

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

JONES BROTHERS CO., INC.

CIVIL ACTION NO. 11-cv-0097

VERSUS

JUDGE HICKS

BOSSIER CITY BIOENERGY
PARTNERS, ET AL

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Jones Brothers Co., Inc. ("Plaintiff") filed this civil action against three defendants. The case was removed based on an assertion of diversity jurisdiction. The docket sheet indicates that service was made on defendants Blendstar, LLC and ValArco, LLC prior to removal. ValArco has filed a corporate disclosure statement, but neither ValArco nor Blendstar has filed an answer. If Blendstar or ValArco do not respond to the complaint by **June 3, 2011**, Plaintiff is directed to request entry of default by **June 7, 2011**.

There is no indication on the docket sheet that defendant Bossier City BioEnergy Partners, LLC has been served. Plaintiff is reminded of the requirement of F.R.C.P. 4(m) that service be made within 120 days of the filing of the complaint, which the court will deem to have commenced with the Notice of Removal filed on January 26, 2011. Failure to file proof of timely service, secure the filing of a responsive pleading, or obtain an extension of time by May 31, 2011 may result in dismissal of the claims against that defendant.

The court must also ascertain that it has subject-matter jurisdiction. The Notice of Removal contains detailed allegations of citizenship with respect to Plaintiff, Bossier City

BioEnergy Partners, LLC and Blendstar, LLC. ValArco, however, is described only as a Texas limited liability company whose members are all citizens of Texas. The court requires more information to ascertain that there is diversity of citizenship. If the members are individuals, that should be alleged, along with their states of domicile/citizenship. If the members are themselves partnerships, LLCs, corporations, or other form of entity, their citizenship must be alleged in accordance with the rules applicable to that entity, and the citizenship must be traced through however many layers of members or partners there may be. General allegations that all members or partners are of diverse citizenship from the parties on the other side, without factual specificity, are not sufficient. See Burford v. State Line Gathering System, LLC, 2009 WL 2487988 (W.D. La. 2009). ValArco may include this information in its answer, due by **June 3, 2011**, or set it forth in an Amended Notice of Removal filed by that same date.

A scheduling conference will be set once all parties have appeared and the existence of subject-matter jurisdiction has been ascertained.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 18th day of May, 2011.



MARK L. HORNSBY
UNITED STATES MAGISTRATE JUDGE